

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Case No. 5:22:CV-0068-BO**

YOLANDA IRVING, individually and as
the natural parent and guardian of J.I., et al.,

Plaintiffs,

v.

THE CITY OF RALEIGH, et al.,

Defendants.

ORDER OF APPROVAL OF MINOR SETTLEMENT

Plaintiff, Yolanda Irving as the natural parent and guardian of J.I., through undersigned counsel, hereby moves the Court for approval of this minor settlement with the consent of Defendants. In support of this order, Plaintiff, Defendants and the Court show the following:

1. Counsel for all parties consent to this order and approve this minor settlement. Plaintiff, Yolanda Irving, in her capacity as natural parent and guardian of her minor son, (hereafter “Guardian on Behalf of the Minor”) J.I., (hereafter “Minor”) also approves this minor settlement. Written consent of counsel and Yolanda Irving is provided below.

2. All parties are properly represented and are properly before the Court; no questions exist as to misjoinder or nonjoinder of parties; and this Court has jurisdiction over the subject matter and the parties.

3. Guardian on behalf of Minor alleges that on or about May 21, 2020, Minor's civil and common law rights under federal and North Carolina law were violated in connection with a search warrant obtained by former Raleigh Police Department ("RPD") Detective Omar Abdullah and served by other officers in the RPD (collectively referred to as "the Warrant"). Defendants deny this allegation.

4. Guardian on Behalf of the Minor filed this civil action in the U.S. District Court for the Eastern District of North Carolina against the City of Raleigh and others concerning the Warrant. Thereafter the parties participated in a Court-hosted settlement conference on August 15, 2022, and a mediation on February 6, 2023, which resumed on May 24, 2023.

5. The parties now agree to a settlement of all claims relating to the Warrant and all claims that are or could be raised in this action. The parties acknowledge that they wish to fully and finally resolve all disputes between them, and they, their attorneys and the Court agree that the resolution of this matter as described herein is fair, just, reasonable, and in the parties' best interests. This settlement agreement aids the parties in bringing much needed certainty and finality to a matter that has been outstanding for a significant period of time and that has caused significant hardship.

6. Abraham Rubert-Schewel, Emily Gladden and the law firm of Tin Fulton Walker & Owen, PLLC, and Elizabeth Simpson and Ian Mance of Emancipate, NC, have

provided good and valuable service to Minor in pursuing his claims (hereafter “Minor’s counsel”).

7. As part of this action, Minor’s counsel has briefed and argued a motion to dismiss, motions to compel and briefed responses to motions for summary judgment. Minor’s counsel also conducted numerous depositions and retained liability and damages experts on behalf of Minor.

8. Minor’s counsel have advanced costs and expenses totaling \$3,788.88 to pursue Minor’s claims. Minor’s expenses include payment for a damages expert and Minor’s portion of payment for a liability expert.

9. The City of Raleigh has agreed to pay, for the benefit of the Minor, the total amount of \$45,652.17, to be distributed as follows:

- a. \$3,788.88 to reimburse Minor’s counsel for Minor’s costs and expenses;
- b. \$15,215.86 to Minor’s counsel for attorney’s fees associated with Minor’s claims;
- c. \$26,647.43 to be paid in trust to Minor’s counsel and then deposited into The J.I. Settlement Preservation Trust.
- d. Minor’s counsel affirms that Minor has no other outstanding medical liens, expenses or fees related to this action.

10. The City of Raleigh shall initiate a payment of \$45,652.17 to Tin, Fulton, Walker & Owen, PLLC, in trust, as counsel for the Guardian on Behalf of the Minor, within 10 days of entry of this order.

11. Tin, Fulton, Walker and Owen, PLLC is directed and required to fund The J.I. Settlement Preservation Trust in the amount of \$26,647.43 upon receipt of payment of the settlement funds.

12. Pursuant to Local Rule 17.1(b)(4), the Minor is not claiming “actual and foreseeable medical, hospital, and related expenses.”

13. This minor settlement is hereby approved and the Minor’s claims in this action are hereby DISMISSED WITH PREJUDICE.

Ordered this ____ day of _____

CONSENTED TO BY:

Guardian on Behalf of Minor



Yolanda Irving

Counsel for Plaintiffs

/s/ Abraham Rubert-Schewel

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